

REMARKS

In the Office Action of April 5, 2004, claims 1, 4, 6 and 7-9 were rejected under 35 USC 102(b) as anticipated by Inui *et al.* JP 08-089249. An English language abstract of the reference was provided to Applicants. In the rejection the Examiner stated that Inui *et al.* teach the gene for *ilvD*, cloning the gene into an expression vector for transforming coryneform bacteria, and using the transformed coryneform bacteria for manufacturing valine and isoleucine.

Applicants submit herewith a copy of JP 08-089249 and an English language translation thereof, both of which are listed on the accompanying PTO/SB/08 form.

In the response filed September 7, 2003, claims 1, 4, 6 and 7-9 were canceled without prejudice and replaced with new claims 18, 19, 29-32 and 40. New claims 18, 19 and 29 are directed to a method for the production of L-valine that employs a microorganism transformed with a nucleotide sequence encoding *ilvD* and a nucleotide sequence encoding *ilvBNC*. New claims 30-32 and 40 are directed to a method for the production of L-valine that employs a microorganism in which the activity of *ilvD* is increased as a result of mutation of the endogenous gene encoding *ilvD*.

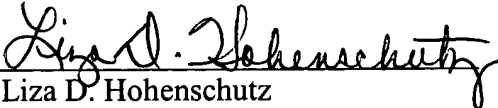
Inui *et al.* discloses a DNA sequence encoding *ilvD* from *Brevibacterium flavum* MJ233, transformation of coryneform bacteria with a vector containing the DNA sequence, and using the transformed coryneform bacteria for manufacturing valine and isoleucine. Inui *et al.* does not disclose the claimed methods for producing L-valine wherein a microorganism transformed with a nucleotide sequence encoding *ilvD* and a nucleotide sequence encoding *ilvBNC* is employed (claims 18, 19 and 29), or a microorganism in which the activity of *ilvD* is increased as a result of mutation of the endogenous gene encoding *ilvD* (claims 30-32 and 40), and thus does not anticipate the claimed methods. Withdrawal of this section 102(b) rejection is again requested.

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In view of the above, the present application is believed to be in a condition ready for allowance. Reconsideration of the application is requested and an early Notice of Allowance is earnestly solicited.

Respectfully submitted,
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